

2. Animal Cruelty Laws

In addition to wildlife protection laws, the Florida Legislature has enacted statutes prohibiting cruelty to animals. For example, it is a first degree misdemeanor, punishable by a fine of up to \$5,000 for a person to deprive an animal of necessary sustenance or shelter. [FN122] It is also a first degree misdemeanor, punishable by a fine of up to \$5,000 or imprisonment, or both, for a person who "is the owner or possessor, or has charge or custody, of any animal" to abandon that animal "in a street, road, or public place without providing for the care, sustenance, protection, and shelter" of the animal. [FN123] "Owner" is defined to include "any owner, custodian, or other person in charge of an animal." [FN124]

Persons who trap cats for the purpose of TNR have possession, charge, or custody of those animals, and therefore are the owners under Florida law. When those persons subsequently release the cats back into the wild, they are abandoning them. Even cats living in established colonies which are cared for regularly by care givers do not receive the level of care considered humane for domestic animals. They do not have shelter, they do not all receive regular vaccinations, and if a cat does not show up to feed because it is injured or sick, it is likely that no one will take the time to try to find it. Most cats that are put through TNR are truly free-roaming, and no one controls where they go or when, or what subsequently may happen to them after they are released.